

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

DENNIS E. PAULS)	
Claimant)	
VS.)	
)	Docket No. 184,067
NATIONAL COOP REFINERY)	
Respondent)	
AND)	
)	
LIBERTY MUTUAL INSURANCE COMPANY)	
Insurance Carrier)	
AND)	
)	
KANSAS WORKERS COMPENSATION FUND)	

ORDER

On March 4, 1998, the application of claimant for review by the Workers Compensation Appeals Board of an Award entered by Administrative Law Judge Bruce E. Moore on September 9, 1997, came on for oral argument.

APPEARANCES

Claimant appeared by and through his attorney, Randy S. Stalcup of Wichita, Kansas. Respondent and its insurance carrier appeared by and through their attorney, John W. Mize of Salina, Kansas. The Kansas Workers Compensation Fund appeared by and through its attorney, Norman R. Kelly of Salina, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The record and stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

ISSUES

- (1) Did claimant meet with personal injury by accident on November 1, 1993?
- (2) Did claimant's alleged injury arise out of and in the course of his employment with respondent?
- (3) Did respondent receive notice of injury to claimant's low back?
- (4) Average weekly wage.
- (5) Is claimant entitled to temporary total disability compensation for the period of June 15, 1994, through July 5, 1994?
- (6) The liability, if any, of the Kansas Workers Compensation Fund.
- (7) Credit due for claimant's prior award.
- (8) The nature and extent of claimant's injury and/or disability.
- (9) Is claimant entitled to temporary total disability compensation for the period June 15, 1995, through October 13, 1995, for the shoulder surgery?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds that the Award of the Administrative Law Judge sets out findings of fact and conclusions of law in great detail and it is not necessary to repeat those herein. The findings and conclusions enumerated in the Award of the Administrative Law Judge are accurate and appropriate and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Bruce E. Moore dated September 9, 1997, should be, and is hereby, affirmed in all respects.

DENNIS E. PAULS

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IT IS SO ORDERED.

Dated this ____ day of March 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Randy S. Stalcup, Wichita, KS
John W. Mize, Salina, KS
Norman R. Kelly, Salina, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director